

Remarks

Claims 1-6 and 8-21 are pending in this case. Claims 1, 4-6, 8-10 have been amended and 14-21 are new. Applicants have added new claims 14-21 to better describe the invention. Support for these claims may be found as follows: Claim 14 – paragraph [0059], Claim 15 – paragraph [0060], Claim 16 – paragraph [0064], Claim 17 – paragraph [0056], Claims 18-21 are based on other claims.

The Examiner objected to Claim 1, stating that formula (II) should contain a point of attachment, specifically formula (II) should read $-(Y_{3-n}R_nSiO_{1/2})_c(Y_{2-o}R_oSiO_{2/2})_d \dots$. As discussed with the Examiner, formula (II) is illustrating the types of carbon and silicon containing units an R⁴ group may include. Formula (II) does not specify how any of these units are attached to each other if they are included, however a person skilled in the art would understand that they would need to be attached so there are the proper number of bonds. With respect to the R⁴'s group attachment to the Z group, the claim does specify that in formula (II) one of the Y groups is replaced by the Z group bonding the R⁴ group to the cyclosiloxane of formula (I). The Examiner rejected claims 1-6 and 8-13 under 35 U.S.C. 112 second paragraph because he was also concerned that the carbon atom in the (CR_qY_{1-q}) unit only had 3 bonds. As discussed above and with the Examiner, this unit would be bonded to 2 other units so that the carbon atom would have the mandatory four bonds.

The Examiner also rejected claim 4 as being indefinite. Applicants have amended Claim 4 to state that x is an integer.... Support for this language can be found in claim 5. For these reasons, Applicants respectfully request that the Examiner withdraw these rejections.

The Examiner rejected claims 1, 2, 6, 8, 10 and 12-13 under 35 U.S.C. §102(e) as being anticipated by Nakayoshi (US2002/0099114). Claim 1 has been amended so that the catalyst useful in the method is an acidic ring opening polymerization catalyst. Support for this

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amendment may be found in paragraph [0059]. Since Nakoyoshi et al does not teach using these type of catalysts, Nakayoshi et al does not anticipate claims 1, 2, 6, 8, 10 and 12-13. For this reason, Applicants respectfully request that the Examiner withdraw this rejection.

The Examiner also rejected claims 1-13 under 35 U.S.C. §102(e) as being anticipated by Asch et al (US2006/0111491). As with Nakayoshi et al, Asch does not teach using an acidic ring opening polymerization catalyst. Since Asch et al does not teach using these type of catalysts, Asch et al does not anticipate claims 1-13.

The Examiner also provisionally rejected claims 1-6, and 8-13 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6 and 9-11 of copending application No. 10/538,682. Applicants will submit a terminal disclaimer with respect to copending application No. 10/538,682.

For the reasons provided above, Applicants respectfully request that the Examiner withdraw his rejections to claims 1-6 and 8-13 and further consider claims 14-21 and allow all the claims to issue.

Applicants would like to bring to the Examiner's attention the fact that office actions/rejections are also pending in copending US applications No. 10/512,750 and No. 10/538,682 and US application No. 10/512,953 has been allowed.

This reply is being submitted within the period for response to the outstanding office action. Although the applicants believe in good faith that no extensions of time are needed, the applicants hereby petition for any necessary extensions of time. You are authorized to charge deposit account 04-1520 for any fees necessary to maintain the pendency of this application. You are authorized to make any additional copies of this sheet needed to accomplish the purposes provided for herein and to charge any fee for such copies to deposit account 04-1520.

Respectfully Submitted,

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